

Amendment in Reply to the Notice of Abandonment of September 19, 2007
and the Final Office Action of February 27, 2007

REMARKS

This Amendment is being filed in response to the Notice of Abandonment mailed on September 19, 2007 and the Final Office Action mailed February 27, 2007, which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct a typographical error.

By means of the present amendment, claims 2-13 have been amended for better clarity and conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A'. Claims 2-13 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-11 and 13 are rejected under 35

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U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 3,803,309 (Bosland) in view of U.S. Patent No. 4,893,037 (Schwartz) and U.S. Patent No. 2,423,245 (Magnus). Further, claim 12 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Bosland in view of Schwartz, Magnus and U.S. Patent No. 2,951,140 (Polley). It is respectfully submitted that claims 1-16 are patentable over Bosland, Schwartz, Magnus and Polley for at least the following reasons.

Bosland is directed to a device for automatically dispensing any desired amount of tape from a roll of tape is disclosed. A cutting mechanism in the device automatically cuts the tape which has been dispensed. A brake mechanism in the device prevents any further tape from being dispensed from the device once the driving motor is disengaged.

As specifically recited on column 5, lines 29-34:

a brake mechanism has been added to the device which causes the output shaft of the motor and the gear train to come to rest immediately upon disengagement of the motor power source. (Emphasis added)

Thus, any braking occurs upon disengagement of the motor.

Schwartz is directed to a motor-driven electric cable reel assembly that allows smooth withdrawal of a cable and provide for a constant cable reel-up speed. A switch arrangement stops the motor in response to torque generated by the motor. As recited on column 2, lines 47-53:

the motor 2 of the cable reel assembly is normally started by means of the manually operated switch-actuator 9, ... [and] the cable reel assembly may be constructed to reel-in cable automatically when the tension F_2 in the cable approaches zero. (Emphasis added)

That is, Schwartz is with automatically reeling-in a cable smoothly and with a constant reel-up speed, as recited on column 1, lines 24-25.

Magnus is directed to a method and device for extracting hair using adhesive tape, by manually rotating a knurled knob 5, shown in FIGs 1-3. Magnus has no motor or any locking or braking mechanism. As recited on column 3, lines 48-50, hairs adhered to the tape are removed when:

the operator pulls the device quickly in a manner similar to the operation of a pair of tweezers. (Emphasis added)

It is respectfully submitted that Bosland, Schwartz, Magnus,

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and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 14 which, amongst other patentable elements, recites (illustrative emphasis provided):

a motor accommodated in the housing, the motor being configured to be inactive during the application of the depilating tape to the skin of a person, and be activated to pull away the depilating tape from the skin of the person by a jerking movement.

A depilating apparatus having motor which is inactive during application of the tape and activated to pull away the depilating tape by a jerking movement is nowhere disclosed or suggested by Bosland, Schwartz and Magnus, alone or in combination. At best, any such combination disclosed a unit that dispenses tape when a motor is activated, and locks the tape when the motor is deactivated, or a unit that smoothly reels in the tape with a constant reel-up speed. Polley is cited to allegedly show other features and does not remedy the deficiencies in Bosland, Schwartz and Magnus.

Accordingly, it is respectfully requested that independent claims 1 and 14 be allowed. In addition, it is respectfully

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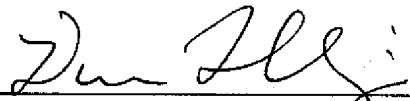
submitted that claims 2-13 and 15-16 should also be allowed at least based on their dependence from independent claims 1 and 14 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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May 14, 2008

Enclosure: Petition to Revive

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